

Treasurer of the United States to the credit of the General Post Fund.

(As amended Pub. L. 99-576, title VII, § 701(90), Oct. 28, 1986, 100 Stat. 3299.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator" for "he" in two places, "the Administrator's" for "his", and "The Administrator" for "He".

§ 5103. Restricted gifts

Disbursements from the General Post Fund shall be made on orders by and within the discretion of the Administrator and in the manner prescribed in section 5223 of this title; except that (1) if the testator or donor has directed or shall direct that the devise, bequest, or gift be devoted to a particular use authorized by this chapter, the same, less expenses incurred, or the net proceeds thereof, shall be used or disbursed as directed, except that a precatory direction shall be fulfilled only insofar as may be proper or practicable; and (2) if the testator or donor shall have indicated the desire that the devise, bequest, or gift shall be for the benefit of persons in hospitals or homes, or other institutions operated by the United States but under the jurisdiction of an official other than the Administrator, the same, less expenses incurred, or the net proceeds thereof which may come into possession of the Administrator, shall be disbursed by transfer to the governing authorities of such institution, or otherwise, in such manner as the Administrator may determine, for the benefit of the persons in the institution indicated by the testator or donor, for proper purposes, as nearly as practicable in conformity with such desire of the testator or donor.

(As amended Pub. L. 99-576, title VII, § 701(91), Oct. 28, 1986, 100 Stat. 3299.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the" for "his" in three places.

§ 5104. Disposition of property

If the Administrator receives any property other than moneys as contemplated by this chapter, the Administrator is authorized in the Administrator's discretion to sell, assign, transfer, and convey the same, or any interest therein claimed by virtue of such devise, bequest, or gift, for such price and upon such terms as the Administrator deems advantageous (including consent to partition of realty and compromise of contested claim of title) and the Administrator's assignment, deed, or other conveyance of any such property, executed in the name and on behalf of the United States, shall be valid to pass to the purchaser thereof such title to said property as the United States, beneficially or as trustee of the General Post Fund, may have by virtue of any such devise, bequest, or gift, and the proceedings incident thereto, subject to the conditions, limitations, and provisions of the instruments so executed by the Administrator.

(As amended Pub. L. 99-576, title VII, § 701(92), Oct. 28, 1986, 100 Stat. 3299.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator" for "he" in two places, and "the Administrator's" for "his" in two places.

CHAPTER 85—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I—PROPERTY LEFT ON VETERANS' ADMINISTRATION FACILITY

§ 5201. Vesting of property left by decedents

(a) Personal property left by any decedent upon premises used as a Veterans' Administration facility, which premises are subject to the exclusive legislative jurisdiction of the United States and are within the exterior boundaries of any State or dependency of the United States, shall vest and be disposed of as provided in this subchapter, except that—

(1) if such person died leaving a last will and testament probated under the laws of the place of such person's domicile or under the laws of the State or dependency of the United States within the exterior boundaries of which such premises or a part thereof may be, the personal property of such decedent situated upon such premises shall vest in the person or persons entitled thereto under the provisions of such last will and testament; and

[See main edition for text of (2); (b)]

(As amended Pub. L. 99-576, title VII, § 701(93), Oct. 28, 1986, 100 Stat. 3299.)

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99-576 substituted "such person's" for "his".

§ 5202. Disposition of unclaimed personal property

[See main edition for text of (a)]

(b) If any veteran (admitted as a veteran), or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, upon such person's last admission to, or during such person's last period of maintenance in, a Veterans' Administration facility, has personal property situated on such facility and shall have designated in writing a person (natural or corporate) to receive such property when such veteran, dependent or survivor dies, the Administrator or employee of the Veterans' Administration authorized by the Administrator so to act, may transfer possession of such personal property to the person so designated. If there exists no person so designated by such veteran, dependent, or survivor or if the one so designated declines to receive such property, or failed to request such property within ninety days after the Veterans' Administration mails to such designate a notice of death and of the fact of such designation, a description of the property, and an estimate of transportation cost, which shall be paid by such designate if required under the regulations hereinafter mentioned, or if the Administrator declines to transfer possession to such designate, possession of such property may in the discretion of

the Administrator or the Administrator's designated subordinate, be transferred to the following persons in the order and manner herein specified unless the parties otherwise agree in writing delivered to the Veterans' Administration¹ namely, executor or administrator, or if no notice of appointment received, to the spouse, children, grandchildren, parents, grandparents, siblings of the veteran. If claim is made by two or more such relatives having equal priorities, as hereinabove prescribed, or if there are conflicting claims the Administrator or the Administrator's designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto or may make delivery as may be agreed upon by those entitled, or may in the discretion of the Administrator or the Administrator's designee withhold delivery from them and require the qualification of an administrator or executor of the veterans' estate and thereupon make delivery to such.

(c) If the property of any decedent is not so delivered or claimed and accepted the Administrator or the Administrator's designee may dispose of such property by public or private sale in accordance with the provisions of this subchapter and regulations prescribed by the Administrator.

[See main edition for text of (d) to (f)]

(As amended Pub. L. 99-576, title VII, § 701(94), Oct. 28, 1986, 100 Stat. 3299.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-576, § 701(94)(A), in first sentence substituted "such person's last" for "his last" in two places, inserted "has personal property situated on such facility and" before "shall have designated", substituted "to receive such property when such veteran, dependent or survivor dies," for "to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran", and substituted "the Administrator" for "him" after "authorized by".

Pub. L. 99-576, § 701(94)(B)(i)-(iv), in second sentence substituted "by such veteran, dependent, or survivor" for "by the veteran", struck out "if he has" before "failed to request", and substituted "the Administrator's" for "his" and "in writing delivered to the Veterans' Administration" for "as provided in this subchapter".

Pub. L. 99-576, § 701(94)(B)(v), which directed that second sentence of subsec. (b) be amended by substituting "children, grandchildren, parents, grandparents, siblings" for "child, grandchild, mother, father, grandmother, grandfather, brother or sister", was executed by substituting the new provisions for "child, grandchild, mother, father, grandmother, grandfather, brother, or sister", to reflect the probable intent of Congress and the fact that a comma appears after "brother" in the former provisions.

Pub. L. 99-576, § 701(94)(C), struck out third sentence which read as follows: "In case two or more of those named above request the property, only one shall be entitled to possession thereof and in the order hereinbefore set forth, unless they otherwise agree in writing delivered to the Veterans' Administration."

Pub. L. 99-576, § 701(94)(D), in fourth sentence substituted "the Administrator's designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto" for

"his designee may in such case select the one to receive such possession," and "In the discretion of the Administrator or the Administrator's designee" for "In his discretion".

Subsec. (c). Pub. L. 99-576, § 701(94)(E), substituted "the Administrator's" for "his".

§ 5203. Notice of provisions of this subchapter

All persons having or bringing personal property on the premises of a Veterans' Administration facility shall be given reasonable notice of the provisions of this subchapter. In case of a mentally incompetent person, notice hereof shall be given the guardian or other person having custody or control of such person or, if none, to such person's nearest relative if known. The admission to or continued maintenance in such facility after reasonable notice of the provisions of this subchapter shall constitute consent to the provisions hereof. The death of any person on any such facility or the leaving of property thereon shall be prima facie evidence of a valid agreement for the disposition of such property in accordance with the provisions of this subchapter.

(As amended Pub. L. 99-576, title VII, § 701(95), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "such person's" for "his" in second sentence.

§ 5204. Disposition of other unclaimed property

Any other unclaimed property found on the premises under the control of the Veterans' Administration shall be stored by the officer in charge of such premises and may be sold, used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Administrator if the owner thereof fails to claim same within ninety days. If undisposed of, the same may be reclaimed by the owner, such person's personal representative or next of kin, upon payment of reasonable storage charges prescribed by regulations. If sold, the net proceeds thereof shall be credited to said post fund to be expended as other assets of such fund. The person who was entitled to such property, or such person's legal representative, or assignee, shall be paid the proceeds of sale thereof, less expenses if claim therefor be made within five years from the date of finding. If the owner shall have died intestate without creditors or next of kin surviving, such proceeds shall not be paid to such person's legal representative.

(As amended Pub. L. 99-576, title VII, § 701(96), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "such person's" for "his" in three places.

§ 5206. Notice of sale

At least ninety days before any sale pursuant to this subchapter, written or printed notice thereof describing the property to be sold shall be mailed to the owner of the property or, if deceased, to the owner's executor or administra-

¹ So in original. Probably should be followed by a comma.

tor, or to the nearest kin, if any such appear by the records of the Veterans' Administration. If none such appears from said records, similar notice shall be posted at the facility where the death occurred or property shall have been found (if in existence) and at the place where such property is situated at the time of such notice, and also at the place where probate notices are posted in the county wherein the sale is to be had. The person posting such notice shall make an affidavit setting forth the time and place of such posting and attaching thereto a copy of such notice, and such affidavit shall be prima facie evidence of such posting and admissible in evidence as proof of the same.

(As amended Pub. L. 99-576, title VII, § 701(97), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the owner's" for "his" before "executor".

§ 5207. Payment of small shipping charges

Upon receipt of a proper claim for such property under the provisions of this subchapter the Administrator is hereby authorized, in the Administrator's discretion and in accordance with regulations prescribed by the Administrator, to pay mailing or shipping charges not to exceed \$25 in the case of each deceased veteran as hereinabove defined.

(As amended Pub. L. 99-576, title VII, § 701(98), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator's" for "his" and "prescribed by the Administrator" for "by him promulgated".

SUBCHAPTER II—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY

§ 5220. Vesting of property left by decedents

(a) Whenever any veteran (admitted as a veteran), or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Veterans' Administration, and shall not leave any surviving spouse, next of kin, or heirs entitled, under the laws of the decedent's domicile, to the decedent's personal property as to which such person dies intestate, all such property, including money and choses in action, owned by such person at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund (hereafter in this subchapter referred to as the "Fund"), a trust fund prescribed by section 1321(a)(45) of title 31.

(b) The provisions of subsection (a) are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Veterans' Administration in a facility or hospital. The acceptance and the continued acceptance of care or treatment by any veteran (ad-

mitted as a veteran to a Veterans' Administration facility or hospital) shall constitute an acceptance of the provisions and conditions of this subchapter and have the effect of an assignment, effective at such person's death, of such assets in accordance with and subject to the provisions of this subchapter and regulations issued in accordance with this subchapter.

(As amended Pub. L. 99-576, title VII, § 701(99), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Subsec. (a), Pub. L. 99-576, § 701(99)(A), substituted "any surviving" for "surviving him any", "the decedent's" for "his" in two places, "such person" for "he", and "owned by such person" for "owned by him".

Subsec. (b), Pub. L. 99-576, § 701(99)(B), substituted "such person's" for "his".

§ 5221. Presumption of contract for disposition of personality

The fact of death of a veteran (admitted as such), or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, in a facility or hospital, while being furnished care or treatment therein by the Veterans' Administration, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 5220 of this title owned by said decedent at death and as to which such person dies intestate.

(As amended Pub. L. 99-576, title VII, § 701(100), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "such person" for "he".

§ 5222. Sale of assets accruing to the Fund

Any assets heretofore or hereafter accruing to the benefit of the Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations issued by the Administrator. Upon receipt of the purchase price the Administrator is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expense as determined by the Administrator shall forthwith be paid to the Treasurer of the United States to the credit of the Fund; and may be disbursed as are other moneys in the Fund by the Division of Disbursements, Treasury Department, upon order of said Administrator. Articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be de-

stroyed forthwith. Any other articles coming into possession of the Administrator or the Administrator's representative by virtue of this subchapter which, under regulations promulgated by the Administrator, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from the Fund, or if not usable, otherwise disposed of in accordance with regulations.

(As amended Pub. L. 99-576, title VII, § 701(101), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator" for "he" in second sentence, and "the Administrator's" for "his" in last sentence.

TRANSFER OF FUNCTIONS

The Division of Disbursements of the Treasury Department was consolidated into the Fiscal Service of the Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

§ 5223. Disbursements from the Fund

Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Administrator for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration. There shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against the decedent's estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Veterans' Administration within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any. If the decedent's estate is insolvent the distribution to creditors shall be in accordance with the laws of the decedent's domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States.

(As amended Pub. L. 99-576, title VII, § 701(102), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the decedent's" for "his" in two places.

TRANSFER OF FUNCTIONS

The Division of Disbursements of the Treasury Department was consolidated into the Fiscal Service of the Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

§ 5224. Disposal of remaining assets

The remainder of such assets or their proceeds shall become assets of the United States as trustee for the Fund and disposed of in accordance with this subchapter. If there is administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be delivered by the administrator of the estate to the Administrator or the Administrator's authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to the Fund any such money, available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Administrator upon demand by the Administrator or the Administrator's duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent.

(As amended Pub. L. 99-576, title VII, § 701(103), Oct. 28, 1986, 100 Stat. 3300.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator's" for "his" in two places, and "the Administrator" for "him".

§ 5225. Court actions

If necessary to obtain such assets the Administrator, through the Administrator's authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as are other administrative expenses of the Veterans' Administration.

(As amended Pub. L. 99-576, title VII, § 701(104), Oct. 28, 1986, 100 Stat. 3301.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator's" for "his".

§ 5226. Filing of claims for assets

Notwithstanding the crediting to said Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Veterans' Administration pursuant to the provisions of section 5220 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of such person and any other claiming with the Administrator. Upon receipt of due proof that any person was at date of death of the veteran entitled to the veteran's personal property, or a part thereof, under the laws of the State of domicile of the decedent, the Administrator may pay out of the Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be

delivered in kind to the parties legally entitled thereto. If any person so entitled is under legal disability at the date of death of such decedent, such five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement, the Administrator may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section, no judgment, decree, or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Administrator or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of the Fund, unless the Administrator has been seasonably served with notice and permitted to become a party to such suit or proceeding if the Administrator makes a request

therefor within thirty days after such notice. Notice may be served in person or by registered mail or by certified mail upon the Administrator, or upon the Administrator's authorized attorney in the State wherein the action or proceedings may be pending. Notice may be waived by the Administrator or by the Administrator's authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if the Administrator were a party and served with notice. Any necessary court costs or expenses if authorized by the Administrator may be paid as are other administrative expenses of the Veterans' Administration.

(As amended Pub. L. 99-576, title VII, § 701(105), Oct. 28, 1986, 100 Stat. 3301.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "such person" for "himself" in first sentence, "the veteran's" for "his" in second sentence, "the Administrator" for "he" in fifth sentence, and "the Administrator's authorized" for "his authorized" in sixth and seventh sentences.